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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,762	07/22/2002	Nicholas Luke Bennett	007051.P013	2845

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/089,762

Applicant(s)

BENNETT, NICHOLAS LUKE

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/1/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,3,6,7,9,10,14,19-29,31,32,34-36,40-42,44,45,47,50,51,53,54,58,60,65-73,75-80,82,84-86,88,90 and 92-95.

Continuation of Disposition of Claims: Claims rejected are 1,3,6,7,9,10,14,19-29,31,32,34-36,40-42,44,45,47,50,51,53,54,58,60,65-73,75-80,82,84-86,88,90 and 92-95.

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DETAILED ACTION

The Request for Continued Examination filed July 30, 2007 has been approved, therefore, the Amendment filed July 30, 2007 is hereby considered. According to the Amendment, claims 1, 19, 28, 34, 45, 53, 54, 58, 60, 65-68, 72, 78, 90, 92, and 94 have been amended; and claims 2, 4, 5, 8, 11-13, 15-18, 30, 33, 37-39, 43, 46, 48, 49, 52, 55-57, 59, 61-64, 81, 83, 87, 89, 91, and 96 have been canceled.

Currently, claims 1, 3, 6, 7, 9, 10, 14, 19-29, 31, 32, 34-36, 40-42, 44, 45, 47, 50, 51, 53, 54, 58, 60, 65-73, 75-80, 82, 84-86, 88, 90, and 92-95 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6, 7, 9, 10, 14, 19-29, 31, 32, 35-36, 41, 45, 47, 50, 51, 53, 54, 58, 60, 65-73, 75-80, 85, 90, and 92-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al. (5,788,573).

Referring to claim 1, Baerlocher et al. teaches a gaming console comprising a display (Figs. 1 and 6) and a game controller arranged to control images displayed on the display, the game controller being arranged to play a first game (e.g., electronic slot

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game) (4:1-3) displayed on the display and, if a winning combination results, the console pays a prize, the console being characterised in that the game controller is further arranged to play a dynamic game (bonus or secondary game, i.e., wheel game)(4:38-45) whereby a feature game occurs upon a first trigger condition of the first game (4:38-45), said feature game including: an outcome display that displays on the display or on another display in communication with the game controller an initial set of possible outcomes of the feature a dynamic outcome altering stage, during which at least one of the outcomes in the displayed initial set of possible outcomes is dynamically altered in response to a second trigger condition (e.g., outcomes from spinning wheels), distinct from the first trigger condition, arising during play of the series of bonus games (e.g., wheel games), to provide and display an altered set of possible outcomes on the outcome display; and subsequent to the dynamic outcome altering stage, a random outcome indicating and award stage during which an outcome from the displayed set of altered possible outcomes is indicated and an award associated with the indicated outcome is awarded (i.e., spinning the wheel and obtain an outcome from the set of outcomes when the wheel stopped)(5:45-6:15), wherein the feature game does not include another random outcome indicating and award stage that is completed before the end of the outcome altering stage. Baerlocher et al. further teaches the bonus wheel game comprises a series of wheel activations. Baerlocher et al. does not explicitly teach an initial set of possible outcomes of the feature a dynamic outcome altering stage comprising a series of bonus games of the first game. This limitation, however is a design choice since assigning different types of games for a series of

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bonus game does not bring unexpected results. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to designate different types of games for the bonus rounds to enhance entertainment value and bring more excitements to the game players.

Referring to claim 45, Baerlocher et al. teaches a gaming system comprising at least one display, and a game controller arranged to control images displayed on at least one display, the game controller being arranged to play a first game (e.g., electronic slot game) (4:1-3) displayed on a said display and, if a winning combination results, the gaming system pays a prize, the gaming system being characterised in that the game controller is further arranged to play a dynamic game feature whereby a feature game (bonus or secondary game, i.e., wheel game) occurs upon a first trigger condition of the first game (4:38-45), the feature game comprising a different display format to the first game and comprising a plurality of first possible outcomes each associated with a prize value, and the outcome that eventuates is determined in a random selection process, the random selection process comprising a first random selection process and a second random selection process, wherein in the first random selection process at least one outcome from a plurality of second outcomes, distinct from the first possible outcomes, and if the outcome comprises a second trigger condition, then the game controller alters at least one aspect of the plurality of first possible outcomes, and in the second random selection process, one of the plurality of first possible outcomes, as altered due to any occurrences of the second trigger condition, is indicated in the format of the feature game and the gaming system awards

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the prize associated with the indicated outcome. Baerlocher et al. further teaches the bonus wheel game comprises a series of wheel activations. Baerlocher et al. does not explicitly teach the first random selection process with at least one outcome from a plurality of second outcomes, is selected and displayed on a said display as a game play having the same format as the first game. This limitation, however is a design choice since assigning similar or different types of game formats for a series of bonus game does not bring unexpected results. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to designate different types of games for the bonus rounds to enhance entertainment value and bring more excitements to the game players.

Referring to claims 3, 6, 7, 47, 50, and 51, Baerlocher et al. teaches the first trigger condition arises upon the occurrence of a given combination of symbols during the play of the first game; the first trigger condition arises when a random number coincides with a number of credits bet on the first game (number of coins bet ranging from minimum to maximum); the second trigger condition arises during the first game (triggers resulted from the game outcome); the first trigger condition arises upon the occurrence of a player accumulation of a predetermined number of bonus points (4:11-24; 5:1-30).

Referring to claims 9, 10, 14, 53, 54, 58, and 60 Baerlocher et al. teaches the second trigger condition arises upon the occurrence of a given symbol during the play of the first game (e.g., trigger to provide bonus game); the second trigger condition arises upon the occurrence of a given combination of symbols during the play of the first

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game; the second trigger condition arises upon the occurrence of a player accumulation of a predetermined number of bonus points (5:1-30). Regarding the amended limitations of first game includes a plurality of outcomes that are the same as the plurality of second outcomes (claims 53, 54, 58, and 60).

Referring to claims 19-26, and 65-70, Baerlocher et al. teaches the first game is a bonus game which has come about during play on the console (4:11-37); the second trigger condition arises within a bonus game which has come about during play of the console; the second trigger condition arises within a bonus game which has been triggered by the first trigger condition that has arisen during play of the first game; the second trigger condition arises from a user selection of an aspect of the feature game; the user selection occurs as a result of occurrence of the first trigger condition; second trigger condition alters the probability of occurrence of a winning outcome of the feature game (e.g., spinning wheel or modifying wheel); occurrence of the second trigger condition alters the value of an available prize value associated with the plurality of first outcomes prior the second random selection process. (e.g., spinning wheel); occurrence of the second trigger condition alters the number of outcomes in the plurality of first outcomes that are associated with a non-zero prize value (e.g., spinning wheel); occurrence of the second trigger condition alters the total number of first outcomes available to be indicated as a result of the second selection process (e.g., spinning wheel); the second trigger condition alters the interaction of the feature game with other games (e.g., continuing with the bonus game if winning or returning to the primary game if losing bonus game); the second trigger condition alters the interaction of the feature

game with other consoles in a distributed network of gaming machines including the console (winning progressive jackpot)(8:59-9:12).

Referring to claims 27-29, 31, 32, 34, 71-73, and 75-78, Baerlocher et al. teaches more than one type of first trigger condition may occur in the first game, and a corresponding one of a plurality of feature game types occurs depending on which type of first trigger condition arises (i.e., feature game of selecting envelopes or spinning reels)(5:1-65); repeated occurrences of the second trigger condition each influences gameplay aspects of the feature game (i.e., resulting in playing different wheel games)(7:31-60); the first game is of a style which creates a matrix of symbols and pays prizes for the occurrence of predetermined combinations in the matrix (i.e., reels with different icons and pay lines)(Fig.2); an occurrence of a given symbol in a predetermined position of the matrix constitutes the second trigger condition (using results of primary game to trigger wheel game); the first game pays a prize for the occurrence of a winning combination along certain paylines in the matrix, and wherein the occurrence of a winning combination along a predetermine one of said paylines constitutes the first trigger condition (4:58-67); the first game pays a prize for the occurrence of a winning combination along certain paylines in the matrix, and wherein the occurrence of a winning combination along a predetermined one of said paylines constitutes the second trigger condition (4:58-5:30); the feature game takes the form of a wheel divided into a number of sectors, some of the sectors indicating a prize, and wherein if gameplay of the feature game concludes with indicator indicating one of the sectors indicating a prize, the prize indicated by that sector is awarded (Figs. 4-6).

Referring to claims 35, 36, 79, and 80, Baerlocher et al. teaches the feature game comprises spinning of the wheel; game play of the feature game comprises movement of an indicator circumferentially around the wheel (e.g., using wrap around effect)(10:2-6).

Note, the limitation of feature game takes the form of a spinning reel game (claims 41 and 85) is inherent from the feature of the primary game wherein the reel game is repeated to obtain uncovered letters (4:58-67).

Further, note that, the claimed first and second triggers are interpreted as different type of triggers as the result of playing primary and secondary game of Baerlocher et al.

Referring to claims 92 and 93, Baerlocher et al. teaches said outcome display is a spinning wheel, said wheel including a plurality of outcome indicating sectors, including at least one blank sector corresponding to a losing outcome, and wherein said second trigger condition causes a prize to be added to the blank sector of said wheel to convert it to a winning outcome (5:31-6:15)(Fig.4); and said first and second trigger conditions are triggered independently of one another (i.e., slot machine trigger is independent from spinning wheel trigger).

Referring to claims 94 and 95, wherein said set of possible outcomes includes at least one lower winning outcome and at least one higher winning outcome, whereby said second trigger condition is arranged to alter the likelihood of occurrence of said lower or higher winning outcome (claim 94); and the likelihood of occurrence of said lower winning outcome is altered by the changing of said lower winning outcome for

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said higher winning outcome (claim 95), these limitations are inherent from the wheel modification of Baerlocher et al. (7:9-60).

Claims 34, 40, 42, 44, 82, 84, 86, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al. (5,788,573) in view of Adams (5,911,418).

Baerlocher et al. teaches all limitations of claims 1, 3, 6, 7, 9, 10, 14, 19-29, 31, 32, 35-36, 41, 45, 47, 50, 51, 53, 54, 58, 60, 65-73, 75-80, 85, 90, and 92-95 above. Baerlocher et al. does not explicitly teach the limitations of causing a prize to be added to a blank sector (or no prize) of the wheel (claims 34 and 82); providing an opportunity for the player to pay to add winning sectors to the wheel (claims 40 and 84). Baerlocher et al., however, teaches modifying the indicia of the wheel's sector (7:10-44), wherein at least one of the wheel's sectors having zero value and at least a prize (Figs. 2, 4, 5). Further, Adams teaches a system and method of playing card games with an additional payout indicator comprising paying (wagering) to play a bonus game wherein the bonus game comprises a wheel having prizes or winning sectors. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system having modifiable spin wheel of Baerlocher et al. with the bonus game having wagering option, as taught by Adams, to come up with a challengeable bonus game that brings excitement to casino game thus attract more players to slot gaming and bring forth more profit.

Regarding the limitation of the feature game is a board game and causing a prize to be added to a blank segment of the board game (claims 42 and 86); and providing an opportunity for the player to pay to add winning segments to the board (claims 44 and 88), these are an alternative design choice. Further, it would have been obvious to a person of ordinary skill in the art to utilize different types of well known bonus games in the art as alternative to the wheel game.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 6, 7, 9, 10, 14, 19-29, 31, 32, 34-36, 40-42, 44, 45, 47, 50, 51, 53, 54, 58, 60, 65-73, 75-80, 82, 84-86, 88, 90, and 92-95 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714